THE HON'BLE MR JUSTICE B.PRAKASH RAO

And

THE HON'BLE MR JUSTICE RAMESH RANGANATHAN

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WRIT PETITION NO.14624 of 2006

18th July 2006

Between:

Assistant Divisional Engineer (SW), South Central Railways, Bibinagar.

...PETITIONER

AND

P.Mallaiah, S/o.Gattamallu, 30 years, Ex-Gangman, O/o.SE(PW)CTYL Section, South Central Railways.

...RESPONDENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

And

THE HON'BLE MR JUSTICE RAMESH RANGANATHAN

WRIT PETITION NO.14624 of 2006

ORDER: (Per the Hon'ble Mr Justice Ramesh Ranganathan)

Aggrieved by the order of the Central Administrative Tribunal, Hyderabad ('the Tribunal' for brevity) in O.A.No.148 of 2003 dated 06.01.2006 whereby the Tribunal directed that the charge sheet be dropped and quashed the order terminating the service of the respondent-applicant and the petitioners herein were directed to reinstate the respondent-applicant with all consequential benefits, the present Writ Petition is filed.

Facts, in brief, are that the respondent/applicant was appointed on 21.09.2000. He was absorbed as a Gangman subject to the verification of the records, such as Casual Labour Card, educational qualifications, date of birth etc. Sri T.S.Venkata Ramana, learned Standing Counsel, appearing on behalf of the petitioners would refer to the order of absorption, which provides that if, as a result of such verification, it is found at a later date that the documents produced by

them were not genuine or they had suppressed facts, action would be taken under the Disciplinary Action Rules. Learned counsel would submit that, while the respondent was issued a charge sheet earlier on 30.08.2001, subsequent thereto, the petitioner herein decided to withdraw the disciplinary enquiry and terminate the respondent in accordance with the aforesaid clause in the order of absorption. Since the above referred clause merely enables action to be taken in accordance with the Disciplinary Action Rules, any allegation that genuine records have not been produced or that facts have been suppressed would not result in automatic termination of the service of the respondent/employee. While the submission of Sri T.S.Venkata Ramana that the respondent had obtained absorption on the basis of fabricated documents is a matter of enquiry, the order of the Tribunal in quashing the order of termination on the ground of violation of principles of natural justice as no enquiry has been held in this regard, cannot be found fault with.

The Writ Petition filed is accordingly dismissed and the order of the Tribunal confirmed. However, in the circumstances, without costs.

Needless to the state that the order of this Court or that of the

Tribunal shall not preclude the petitioner herein from taking such action against the respondent/employee as is available to them under law including under the Disciplinary Action Rules.

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(B.PRAKASH RAO, J)

(RAMESH RANGANATHAN, J)

18th July 2006
RRB

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